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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Kurt Stoner,

Plaintiff

v.

Wal-Mart Stores, Inc., et al.

Defendants

Case No.: 2:17-cv-01403-JAD-GWF

**Order Granting Unopposed
Motion to Dismiss**

[ECF No. 25]

Kurt Stoner filed this personal-injury lawsuit against Wal-Mart Stores, Inc., for injuries he claims he sustained when he fell off a loose toilet seat in a Wal-Mart bathroom.¹ After Stoner stopped participating in this litigation, Wal-Mart filed a motion to dismiss his case for failure to prosecute it.² Stoner's deadline to respond to that motion passed months ago without opposition. Local Rule 7-3(d) provides that "The failure of an opposing party to file points and authorities in response to" a motion to dismiss "constitutes a consent to the granting of the motion." I deem Stoner's failure to file an opposition as his consent to granting Wal-Mart's motion to dismiss under FRCP 41(b), and I grant it.

Accordingly, IT IS HEREBY ORDERED that Defendant's Motion to Dismiss for Failure to Prosecute under FRCP 41(b) [ECF No. 25] is **GRANTED**. With good cause appearing and no reason to delay, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Clerk of Court is directed to **ENTER FINAL JUDGMENT in favor of the defendant** and against the plaintiff and **CLOSE THIS CASE**.

Dated: September 20, 2018



U.S. District Judge Jennifer A. Dorsey

¹ ECF No. 1.

² ECF No. 25.